



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/454,506	12/06/99	POPLAWSKY	R 2856-28

DAVID F ZINGER ESQ
SHERIDAN ROSS PC
1560 BROADWAY SUITE 1200
DENVER CO 80202-5141

WM01/0126

EXAMINER

FERGUSON, K

ART UNIT

PAPER NUMBER

2683

DATE MAILED:

01/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/454,506

Applicant(s)

POPLAWSKY ET AL.

Examiner

Keith T. Ferguson

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____.

09/454,506

Art Unit: 2683

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 11, 30 and 31 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 recites the limitation "said release tab" and "said shelf member" in line 2. Claim 30 recites the limitation "said pocket member" in line 2. Claim 31 recites the limitation "said data input" in line 1. There is insufficient antecedent basis for the limitation in the claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

09/454,506

Art Unit: 2683

3. Claims 28,31 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Yahia.

The claimed invention reads on Yahia as follows:

Regarding claims 28 and 31, Yahia discloses a system for enhancing the functionality of a portable electronic device (title and col. 3 lines 22-27), comprising: an interface module adapted to interface with the electronics of the portable electronic device (fig. 1 number 20), said interface module connected to a power source for providing power to the portable electronic device (col. 4 lines 39-56) and said interface module further including a connection to a speaker (audio output) and a microphone (audio input) (analog signal input) device for hands-free operation of the portable electronic device (fig. 1 numbers 30 and 60).

Regarding claim 33, Yahia discloses said interface module is disposed within a vehicle (col. 4 lines 39-41) and interconnects the portable device to a microphone (col. 4 lines 39-46).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

09/454,506

Art Unit: 2683

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3,5,7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halttunen et al. in view of Humbreys et al..

Regarding claims 1,5,8,13 and 16, Halttunen et al. discloses an adapter for hands-free operation of a portable phone (title and col. 1 lines 1-5), comprising: a carrier (pocket member) (fig. 1 number 101) having a receiving section (fig. 1 number 108) and a mounting section (fig. 1 number 104; col. 2 lines 37-44), said receiving section adapted to receive a portable phone (fig. 1 and col. 3 lines 2-7), and a connector interfacing with the electronics of the portable phone (fig. 1 number 109); a body (interface module) having a receiving section (fig. 1 number 107) configured to mate with said mounting section of said pocket (col. 2 lines 41-48), a latching

09/454,506

Art Unit: 2683

mechanism to retain said pocket in said receiving section (fig. 1 number 113; col. 3 lines 10-12) and connector interfacing with the connector of said pocket (fig. 1 numbers 109 and 110), wherein said pocket is received and removed from said receiving section of said interface module by movement of said pocket in a substantially single limited one-dimension movement (col. 2 lines 40-48); and said latching mechanism includes at least one latch tab which is disposed within said interface module when said latching mechanism is in the first position (fig. 1 number 112 and col. 3 lines 2-6). Halttunen et al. differs from claims 1,5,8 and 13 of the present invention in that it does not disclose said pocket member also having a latching mechanism to retain said portable phone in said receiving section; and a release mechanism for holding said latching mechanism in said second position; and said latching mechanism includes at least one latch tab which engages said pocket when said latching mechanism is in the second position. Humbreys et al. discloses a mobile telephone holder comprising a U shape member (pocket member) (fig. 1A number 104) also having a latching mechanism to retain said portable phone in said receiving section (fig. 1B numbers 112a and 112b; col. 4 lines 34-40); a release mechanism (fig. 1b number 116a-b) for holding said latching mechanism in said second position (col. 4 lines 26-37); and least one latch tab which engages said pocket when said latching mechanism is in the second position (fig. 1B numbers 100,112a and 112b). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Halttunen et al. with said pocket member also having a latching mechanism to retain said portable phone in said receiving section and a release mechanism for holding said latching mechanism in said second position in order to secure the mobile telephone and provide easy movement from its holder, as taught by Humbreys et al..

Regarding claims 2 and 12, Halttunen et al. discloses said pocket and said interface module include complementary registration members for aligning said mounting section of said pocket with said receiving section of said interface module (fig. 1 numbers 104 and 105; col. 2 lines 40-48).

Regarding claims 3 and 10, Halttunen et al. discloses a latching mechanism (release mechanism) (fig. 1 number 113) which

09/454,506

Art Unit: 2683

secures and releases said pocket to said interface module and which is activated by movement of said pocket relative to said interface module in a substantially single dimension (col. 3 lines 1-17).

Regarding claim 7, Halttunen et al. discloses a spring member for biasing said latching mechanism (col. 3 lines 7-8).

Regarding claim 9, Halttunen et al. discloses an engagement member for engaging said release mechanism and retaining said latching mechanism in said first position (fig. 1 number 112).

Regarding claim 11, Halttunen et al. discloses a second release mechanism for moving said release tab (fig. 2 number 215) into engagement with said shelf member (fig. 2 number 214).

Regarding claim 14, Halttunen et al. discloses latching mechanism comprises a plurality of latch tabs (fig. 1 numbers 112) and at least one latch tab is positionally offset from another latch tab (behind latching mechanism 113) (fig. 1 numbers 112).

Regarding claim 15, Halttunen et al. discloses said plurality of latch tabs are configured to overcome manufacturing tolerances and mechanically secure said pocket member to said interface module (fig. 1 numbers 112 and 114; col. 3 lines 4-8).

Regarding claim 17, Halttunen et al. discloses said latching mechanism precludes rotational engagement or disengagement of said pocket member and said interface module (insertion of number 101 into number 102, of fig. 1 and numbers 112 and 114), thereby protecting the electrical connection between said pocket member and said interface module (fig. 1 numbers 112, 114, 109 and 110).

Regarding claim 18, Halttunen et al. discloses said latching mechanism is resilient such that said pocket can be removed from said interface module without activation of said release mechanism (without pressing slide surface 112 by latch 113) and said latching mechanism will still function to latch said pocket to said interface module (pressing slide surface 112 with latch 113) (col. 3 lines 3-10).

09/454,506

Art Unit: 2683

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halttunen et al. in view of Humbreys et al. as applied to claim 1 above and in further view of Chen..

The combination of Halttunen et al. and Humbreys et al. differs from claim 4 of the present invention in that they do not disclose said pocket member and said interface module are mechanically and electrically substantially simultaneously interconnected. Chen discloses a pocket member (fig. 2 number 4) and an interface module are mechanically and electrically substantially simultaneously interconnected (fig. 2 numbers 332,334,335 and 411; col. 2 lines 40-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Halttunen et al. and Humbreys et al. with said pocket member and said interface module are mechanically and electrically substantially simultaneously interconnected in order that the mobile telephone uses power from an automobile while charging when resting in its base, as taught by Chen.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halttunen et al. in view of Humbreys et al. as applied to claim 5 above and in further view of Horimoto.

The combination of Halttunen et al. and Humbreys et al. differs from claim 6 of the present invention in that they do not disclose a memory device within said pocket for recording voice input. Horimoto discloses a base unit (pocket which holds the cordless telephone) comprising a reproduction device 9fig. 1a number 17) for recording voice input (memory for storing voice on magnetic tape) (col. 6 lines 1-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Halttunen et al. and Humbreys et al. with a memory device within said pocket for recording voice input in order to record a

09/454,506

Art Unit: 2683

greeting message to leave for an incoming caller, as taught by Horimoto.

6. Claims 19,24,25 and 27 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Halttunen et al. in view of Humbreys et al. and Hartmann et al..

Regarding claims 19,24,25 and 27, Halttunen et al. discloses an adapter for hands-free operation of a portable phone (portable electronic device for voice communication within a vehicle) (title and col. 1 lines 1-15), comprising: a carrier (pocket member) (fig. 1 number 101) having a receiving section (fig. 1 number 108) and a mounting section (fig. 1 number 104; col. 2 lines 37-44), said receiving section adapted to receive a portable phone (fig. 1 and col. 3 lines 2-7), and a connector interfacing with the electronics of the portable phone (fig. 1 number 109); a body (interface module) having a receiving section (fig. 1 number 107) configured to mate with said mounting section of said pocket (col. 2 lines 41-48), a latching mechanism to retain said pocket in said receiving section (fig. 1 number 113; col. 3 lines 10-12) and connector interfacing with the connector of said pocket (fig. 1 numbers 109 and 110), wherein said pocket is received and removed from said receiving section of said interface module by movement of said pocket in a substantially single dimension (col. 2 lines 40-48); and a raise e portion which interfaces with said pocket member to facilitate alignment between said pocket member and said interface module and to control activation of said latching mechanism of said interface module (fig. 1 number 106 and col. 3 lines 10-17). Halttunen et al. differs from claim 19 of the present invention it that it does not disclose said pocket member also having a latching mechanism to retain said portable phone in said receiving section; and a portable electronic device for data communication within a vehicle. Humbreys et al. discloses a mobile telephone holder comprising a U shape member (pocket member) (fig. 1A number 104) also having a latching mechanism to retain said portable phone in said receiving section (fig. 1B numbers 112a and 112b; col. 4 lines 34-40). Hartmann et al. discloses a pager holder to hold a pager (portable electronic

09/454,506

Art Unit: 2683

device) for data communication within a vehicle (col. 1 lines 15-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Halttunen et al. with said pocket member also having a latching mechanism to retain said portable phone in said receiving section; and a portable electronic device for data communication within a vehicle in order to secure the mobile telephone or pager to have hands-free operation and provide easy movement from its holder, as taught by Humbreys et al. and Hartmann et al..

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halttunen et al. in view of Humbreys et al. and Hartmann et al. as applied to claim 19 above and in further view of Yahia.

The combination of Halttunen et al., Humbreys et al. and Hartmann et al. differs from claim 20 of the present invention in that they do not disclose the portable electronic device can receive power from the power system of the vehicle for purposes of operating the portable electronic device or charging a battery within the portable electronic device. Yahia discloses the portable electronic device can receive power from the power system of the vehicle for purposes of charging a battery within the portable electronic device (col. 4 lines 38-56 and col. 6 lines 43-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Halttunen et al., Humbreys et al. and Hartmann et al. with the portable electronic device can receive power from the power system of the vehicle for purposes of charging a battery within the portable electronic device in order to maintain power in the cellular telephone by using the automobile power source, therefore no additional battery charging adapters are needed, as taught by Yahia.

8. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halttunen et al. in view of Humbreys et al., Hartmann et al. and Yahia as applied to claims 19 and 20 above and in further view of Lanni.

Regarding claims 21-23, the combination of Halttunen et

09/454,506

Art Unit: 2683

al., Humbreys et al. and Hartmann et al. and Yahia differs from claims 21-23 of the present invention in that they do not disclose ventilation means disposed within the body associated with at least said interface module for allowing air flow in and out of said interface module; and a latch release member disposed proximate the external surface of said interface module and said ventilation means includes an air passage adjacent said latch release member. Lanni discloses ventilation means disposed within the body associated with at least an interface module for allowing air flow in and out of said interface module (fig. 5a numbers 300 and 302; fig. 45 number 3000 and col. 8 lines 24-40); a latch release member disposed proximate the external surface of said interface module and said ventilation means includes an air passage adjacent said latch release member (fig. 45 number 3018 and fig. 46 number 3018). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Halttunen et al., Humbreys et al. and Hartmann et al. and Yahia with ventilation means disposed within the body associated with at least said interface module for allowing air flow in and out of said interface module; and a latch release member disposed proximate the external surface of said interface module and said ventilation means includes an air passage adjacent said latch release member in order for that the interface module circuitry to remain cool and keep it from becoming extremely hot which would burn circuitry within the cellular telephone from the power supplied from a power source, as taught by Lanni.

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halttunen et al. in view of Humbreys et al. and Hartmann et al. as applied to claim 19 above and in further view of Tomura et al..

The combination of Halttunen et al., Humbreys et al. and Hartmann et al. differs from claim 26 of the present invention in that they do not disclose said mounting section of said pocket member and said receiving section of said interface module align the electrical connectors that provide electrical connection between said pocket member and said interface module. Tomura et al. discloses said mounting section of said pocket member (68) and said receiving section of said interface module

09/454,506

Art Unit: 2683

(82) align the electrical connectors (84) that provide electrical connection between said pocket member and said interface module (fig. 5 numbers 68, 82 and 84; col. 6 lines 43-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Halttunen et al., Humbreys et al. and Hartmann et al. with said mounting section of said pocket member and said receiving section of said interface module align the electrical connectors that provide electrical connection between said pocket member and said interface module in order to charge the mobile telephone battery, save battery life and use the vehicle power source while driving, as taught by Tomura et al..

10. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahia in view of Horimoto.

Regarding claims 29 and 30, Yahia discloses a system for enhancing the functionality of a portable electronic device as discussed supra in claim 29. Yahia differs from claims 29 and 30 of the present invention in that it does not disclose interface module further includes a memory device for receiving and storing data input. Horimoto discloses a disclose an interface module further includes a memory device for receiving and storing data input (fig. 1a number 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Yahia with an interface module further includes a memory device for receiving and storing data input in order to record a greeting message to leave for an incoming caller, as taught by Horimoto.

11. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yahia in view of Stamegna.

Yahia discloses a system for enhancing the functionality of a portable electronic device as discussed supra in claim 29. Yahia differs from claim 32 of the present invention in that it does not disclose said interface module is disposed within a vehicle and interconnects the portable electronic device to the audio system of the vehicle to provide enhanced audio capabilities to the user. Stamegna discloses an interface module is disposed within a vehicle and interconnects the portable electronic device to the audio system of the vehicle to provide

09/454,506

Art Unit: 2683

enhanced audio capabilities to the user (col. 4 lines 46-58 and col. 5 lines 49-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Yahia with an interface module is disposed within a vehicle and interconnects the portable electronic device to the audio system of the vehicle to provide enhanced audio capabilities to the user in order to share component and to thereby eliminate duplication, reduce cost and complexity of the overall system, as taught by Stamegna.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Snyder et al. (U.S. Patent 6,009,168) discloses an adapter for hands-free operation of a portable phone (title and fig. 9 number 350), comprising: a cup (pocket member) (fig. 9 number 304 and col. 5 lines 49-51) having a receiving section (col. 5 lines 49-51) and a mounting section (col. 4 lines 1-10), said receiving section adapted to receive a portable phone (fig. 9 number 600 and 100 and col. 5 lines 49-51), said pocket member also having a latching mechanism to retain said portable phone in said receiving section (fig. 3 number 182 and col. 5 lines 49-51), and a connector interfacing with the electronics of the portable phone (fig. 5 numbers 103 and 105); an interface module having a receiving section configured to mate with said mounting section of said pocket (fig. 1 numbers 101 and 153).

09/454,506

Art Unit: 2683

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6306 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Keith Ferguson **KEITH FERGUSON**
Art Unit 2683 **PATENT EXAMINER**
January 17, 2001 *Keith Ferguson*

William G. Trost
William G. Trost
Primary Examiner